

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MARCO VALDEZ, derivatively on behalf of)	
MILLER ENERGY RESOURCES, INC.,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:11-CV-462
)	(VARLAN/SHIRLEY)
DELOY MILLER, SCOTT M. BORUFF,)	
JONATHAN S. GROSS,)	
HERMAN GETTELFINGER,)	
DAVID HALL, MERRILL A. MCPEAK,)	
CHARLES M. STIVERS,)	
DON A. TURKLESON, and)	
DAVID VOYTICKY,)	
)	
Defendants,)	
)	
and)	
)	
MILLER ENERGY RESOURCES, INC.,)	
)	
Nominal Defendant.)	

ORDER

This civil matter is before the Court on the Report and Recommendation (the “R&R”) entered by U.S. Magistrate Judge C. Clifford Shirley, Jr., on January 20, 2012 [Doc. 36]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After careful review of the matter, the Court is in agreement with Magistrate Judge Shirley’s recommendations, which the Court adopts and incorporates into its ruling.

Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 36] and **GRANTS IN PART AND DENIES IN PART** plaintiff's Motion to Remand [Doc. 6]. This case is hereby **REMANDED** to the Chancery Court for Knox County, Tennessee, pursuant to 28 U.S.C. § 1447, and plaintiff's request for attorneys' fees and costs is hereby **DENIED**. All pending motions [Docs. 16, 20, 23, 29] are **DENIED as moot**. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE